IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

VOLKER PRETZLAFF et al.

Group Art Unit: 2635

Examiner: Nguyen, Nam V.

Serial No.: 10/601,738

Filed: June 23, 2003

For: KEYLESS ACCESS AUTHORIZATION CONTROL DEVICE AND IDENTIFICATION TRANSMITTER THEREFOR

Attorney Docket No.: KOA 0234 PUS (R 1381)

APPEAL BRIEF UNDER 37 C.F.R. § 41.37

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Sir:

This is an Appeal Brief from the final rejection of claims 1-3, 5-8, and 10-11 in the final Office Action mailed January 17, 2006 for the above-identified patent application.

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February 17, 2006	James N. Kallis	
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I. REAL PARTY IN INTEREST

The real party in interest is Leopold Kostal GmbH & Co. KG ("Assignee"), a German corporation, and having a place of business at Wiesenstrasse 47, D-58507 Ludenscheid, Federal Republic of Germany, as set forth in the assignment recorded in the U.S. Patent and Trademark Office on June 23, 2003 at Reel 014378/Frame 0596.

II. RELATED APPEALS AND INTERFERENCES

There are no appeals or interferences known to the Appellant, the Appellant's legal representative, or the Assignee which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

III. STATUS OF CLAIMS

Claims 1-3, 5-8, and 10-11 are pending in this application, have been finally rejected in the final Office Action mailed January 17, 2006, are the subject of this appeal, and are reproduced in the attached Claims Appendix. Claims 4, 9, and 12-20 have been cancelled. Of the pending claims, claims 1, 6, and 11 are independent claims.

IV. STATUS OF AMENDMENTS

No amendments were made or proposed after the final Office Action mailed January 17, 2006.

V. SUMMARY OF CLAIMED SUBJECT MATTER

1. Independent Claim 1

Independent claim 1 recites a keyless authorized access control system. (The title; page 1, lines 7-11 and lines 14-25; page 3, lines 12-16; and page 5, lines 8-9 of the Applicant's specification.) The system includes at least two transceivers, with each transceiver being assigned to a respective object. (Page 1, lines 8-11; page 4, lines 12-13; and page 5, lines 9-17 of the Applicant's specification.)

The system further includes an identification ("ID") device (1). (FIGS. 1-3; and page 1, lines 7-13; page 3, lines 12-28 of the Applicant's specification.) The ID device (1) includes a base module ("BM") (2) operable to communicate commands to the transceivers assigned to the objects. (FIGS. 1-2; and page 3, lines 17-28; page 4, lines 1-16; and page 5, lines 13-19 of the Applicant's specification.) The BM (2) has at least two interfaces (7). (FIG. 3; and page 4, lines 1-16; page 5, line 20 through page 6, line 2; page 6, lines 8-15 of the Applicant's specification.)

The ID device (1) further includes at least two object modules ("OMs") (3, 4). (FIGS. 1 and 3; page 3, lines 17-23; and page 5, lines 17-22 of the Applicant's specification.) Each OM (3, 4) is assigned to a respective one of the objects. (Page 3, lines 17-23; page 4, lines 1-16; and page 6, lines 3-7 and lines 16-23 of the Applicant's specification.) Each OM (3, 4) includes a memory chip containing a code attuned to the assigned object. (Page 3, lines 17-23; page 4, lines 1-16; page 5, lines 22-25; and page 6, lines 3-7 of the Applicant's specification.)

Each OM (3, 4) is interchangeably connected to the BM (2) through a respective one of the interfaces (7) such that a first one of the OMs (3) is interchangeably connected to

the BM (2) through a first one of the interfaces (7) while a second one of the OMs (4) is interchangeably connected to the BM (2) through a second one of the interfaces (7). (Page 3, lines 22-23; page 4, lines 1-15; page 5, line 22 through page 6, line 2; and page 6, lines 11-15 of the Applicant's specification.)

Each OM (3; 4) includes a button (10, 11; 8, 9) operable for activating the BM (2) to communicate to the transceiver assigned to the object that is assigned to the OM (3, 4) a command having the code attuned to the assigned object when the OM (3, 4) is connected through the respective one of the interfaces (7) to the BM (2). (FIGS. 1 and 3; and page 6, lines 8-15 of the Applicant's specification.)

2. Independent Claim 6

Independent claim 6 recites an ID device (1) for a keyless authorized access control system operable for communicating with transceivers assigned to objects. (FIGS. 1-3; and the title; page 1, lines 7-13; page 3, lines 12-28; and page 5, lines 8-9 of the Applicant's specification.) The ID device (1) includes a BM (2) operable to communicate commands to the transceivers assigned to the objects. (Page 1, lines 8-11; page 4, lines 12-13; and page 5, lines 9-17 of the Applicant's specification.) The BM (2) has at least two interfaces (7). (FIG. 3; and page 4, lines 1-16; page 5, line 20 through page 6, line 2; page 6, lines 8-15 of the Applicant's specification.)

The ID device (1) further includes at least two OMs (3, 4). (FIGS. 1 and 3; page 3, lines 17-23; and page 5, lines 17-22 of the Applicant's specification.) Each OM (3, 4) is assigned to a respective one of the objects. (Page 3, lines 17-23; page 4, lines 1-16; and page 6, lines 3-7 and lines 16-23 of the Applicant's specification.) Each OM (3, 4) includes a memory chip containing a code attuned to the assigned object. (Page 3, lines 17-23; page 4, lines 1-16; page 5, lines 22-25; and page 6, lines 3-7 of the Applicant's specification.) Each

OM (3, 4) is interchangeably connected to the BM (2) through a respective one of the interfaces (7) such that a first one of the OMs (3) is interchangeably connected to the BM (2) through a first one of the interfaces (7) while a second one of the OMs (4) is interchangeably connected to the BM (2) through a second one of the interfaces (7). (Page 3, lines 22-23; page 4, lines 1-15; page 5, line 22 through page 6, line 2; and page 6, lines 11-15 of the Applicant's specification.)

Each OM (3; 4) includes a button (10, 11; 8, 9) operable for activating the BM (2) to communicate to the transceiver assigned to the object that is assigned to the OM (3, 4) a command having the code attuned to the assigned object when the OM (3, 4) is connected through the respective one of the interfaces (7) to the BM (2). (FIGS. 1 and 3; and page 6, lines 8-15 of the Applicant's specification.)

3. Independent Claim 11

Independent claim 11 recites a keyless authorized access control system. (The title; page 1, lines 7-11 and lines 14-25; page 3, lines 12-16; and page 5, lines 8-9 of the Applicant's specification.) The system includes at least two transceivers, with each transceiver being assigned to a respective object. (Page 1, lines 8-11; page 4, lines 12-13; and page 5, lines 9-17 of the Applicant's specification.)

The system further includes an ID device (1) having a BM (2) operable to communicate commands to the transceivers assigned to the objects. (FIGS. 1-3; and page 1, lines 7-13; page 3, lines 12-28; page 4, lines 1-16; and page 5, lines 13-19 of the Applicant's specification.) The BM (2) has at least two interfaces (7). (FIG. 3; and page 4, lines 1-16; page 5, line 20 through page 6, line 2; page 6, lines 8-15 of the Applicant's specification.)

The ID device (1) further includes at least two OMs (3, 4). (FIGS. 1 and 3; page 3, lines 17-23; and page 5, lines 17-22 of the Applicant's specification.) Each OM (3, 4) is assigned to a respective one of the objects. (Page 3, lines 17-23; page 4, lines 1-16; and page 6, lines 3-7 and lines 16-23 of the Applicant's specification.) Each OM (3, 4) includes a memory chip containing a code attuned to the assigned object. (Page 3, lines 17-23; page 4, lines 1-16; page 5, lines 22-25; and page 6, lines 3-7 of the Applicant's specification.) The OMs (3, 4) are interchangeably connected to the BM (2) through respective ones of the interfaces (7) such that a first one of the OMs (3) is interchangeably connected to the BM (2) through a first one of the interfaces (7) while a second one of the OMs (4) is interchangeably connected to the BM (2) through a second one of the interfaces (7). (Page 3, lines 22-23; page 4, lines 1-15; page 5, line 22 through page 6, line 2; and page 6, lines 11-15 of the Applicant's specification.) The BM (2) has at least two receptacles (5, 6) with each receptacle receiving one of the OMs (3, 4) in order to interchangeably connect the OMs (3, 4) to the BM (2) through the respective ones of the interfaces (7). (FIGS. 1 and 2; and page 5, lines 22-26 of the Applicant's specification.)

Each OM (3; 4) includes a button (10, 11; 8, 9) operable for activating the BM (2) to communicate to the transceiver assigned to the object that is assigned to the OM (3, 4) a command having the code attuned to the assigned object when the OM (3, 4) is connected through the respective interface (7) to the BM (2). (FIGS. 1 and 3; and page 6, lines 8-15 of the Applicant's specification.)

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 1-3, 5-8, and 10-11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,235,328 issued to Kurita ("Kurita") in view of U.S. Patent Application Publication No. 2002/0067826 issued to King ("King").

VII. ARGUMENT

A. Claims 1-3, 5-8, and 10-11 are Patentable under 35 U.S.C. § 103(a) over U.S. Patent No. 5,235,328 (Kurita) in view of U.S. Patent Application Publication No. 2002/0067826 (King)

1. The Claimed Invention

The claimed invention, as set forth in independent claims 1, 6, and 11, is directed to a keyless authorized access control system operable for communicating with transceivers assigned to objects, and to an identification ("ID") device for such a system. As set forth in representative independent claim 6, the ID device includes a base module ("BM") and at least two object modules ("OMs"). The BM has at least two interfaces and is operable to communicate commands to the transceivers assigned to the objects. Each OM is assigned to a respective one of the objects. Each OM has a memory chip containing a code attuned to the assigned object. Each OM is interchangeably connected to the BM through a respective one of the interfaces such that a first one of the OMs is interchangeably connected to the BM through a first one of the interfaces while a second one of the OMs is interchangeably connected to the BM through a second one of the interfaces. Each OM has a button operable for activating the BM to communicate to the transceiver assigned to the object that is assigned to the OM a command having the code attuned to the assigned object when the OM is connected through the respective one of the interfaces to the BM.

2. Kurita and King

The Examiner posited that Kurita discloses a keyless authorized access control system comprising an ID device (i.e., a remote commander; Fig. 1) having a BM (1) (i.e., a commander main body) operable to communicate commands to transceivers assigned to objects (col. 3, lines 30-43; col. 4, line 59 to col. 5, line 34; Figs. 1 and 5). The Examiner posited that the ID device has at least two OMs (2) (i.e., ROM and RAM cards), each OM (2A or 2B) being assigned to a respective object (col. 3, lines 30-64; col. 4, lines 35-64; Figs. 1-7), each OM (2) having a memory chip (30) containing a code attuned to the assigned object (col. 5, lines 21-34; Figs. 6-9). The Examiner further posited that each OM (2) is interchangeably connected to the BM (1) through an interface (16) (col. 4, line 65 to col. 5, line 7; Figs. 5 and 8-9); and that each OM (2) has a button (32) (i.e., a key switch) operable for activating the BM (1) to communicate to the transceiver assigned to the object that is assigned to the OM (2) a command having the code attuned to the assigned object when the OM (2) is connected through the interface (16) to the BM (1) (col. 5, line 21 to col. 6, line 50; col. 7, lines 1-48; Figs. 8-9).

The Examiner indicated that Kurita does not explicitly disclose that the BM (1) has at least two interfaces and each OM (2) is interchangeably connected to the BM through a respective one of the interfaces such that a first one of the OMs is interchangeably connected to the BM through a first one of the interfaces while a second one of the OMs is interchangeably connected to the BM through a second one of the interfaces.

The Examiner posited that King is in the same field of endeavor and discloses a BM (12) (i.e., a trainable transmitter body) having at least two interfaces (22) (i.e., connectors having sockets 20) and each OM (14a to 14e) (i.e., a memory card) is interchangeably connected to the BM (12) through a respective interface (22) such that a first one of the OMs (14a) is interchangeably connected to the BM (12) through a first one of the interfaces (i.e., a first connector) while a second one of the OMs (14b) is interchangeably

connected to the BM (12) through a second one of the interfaces (i.e., a second connector) in order to provide an upgradable reconfigurable universal trainable transmitter.

As set forth in the Advisory Action mailed February 13, 2006, the Examiner posited that Kurita discloses a commander main body which includes a plurality of cards to be inserted into the open section (see Fig. 1 of Kurita) of the commander main body for controlling the operation of a plurality of electronic apparatuses. The Examiner posited that King discloses a reconfigurable universal trainable transmitter having a plurality of data modules to be inserted into electrical connectors of the transmitter for controlling the operation of a plurality of electronic apparatuses.

The Examiner posited that one of ordinary skill in the art recognizes the need to have a plurality of electrical connectors interfacing with a plurality of removable plug-in data modules taught by King in a remote commander main body of Kurita because: (i) Kurita suggests it is desired to provide that the remote commander main body includes a plurality of connectors to connect with a plurality of cards so that each card can be interchanged (col. 3, line 51 to col. 4, line 48; Fig. 1 of Kurita); and (ii) King teaches that the trainable transmitter body has at least two electrical connectors for a plurality of interchangeable memory cards (e.g., data modules) (paragraphs 0010-0018; Fig. 1 of King) in order to provide convenience compatibility with home products.

The Examiner posited that thus it would have been obvious to one of ordinary skill in the art to have a plurality of electrical connectors interfacing with a plurality of removable plug-in data modules taught by King in a remote commander main body of Kurita with the motivation for doing so being to provide convenience to the consumer by allowing the remote command apparatus to operate with a plurality of cards.

3. The Claimed Invention compared to Kurita and King

As indicated above, the claimed invention of the ID device has a BM and two OMs assigned to respective objects in which the BM has two interfaces, each OM is interchangeably connected to the BM through a respective one of the interfaces such that a first OM is interchangeably connected to the BM through a first interface while a second OM is interchangeably connected to the BM through a second interface, and each OM has a button operable for activating the BM to communicate to the transceiver assigned to the object that is assigned to the OM a code attuned to the assigned object when the OM is connected through the respective interface to the BM. As such, two OMs may be connected to the BM at the same time such that an operator can operate the button of the first (second) OM to activate the BM to communicate with the first (second) object without having to substitute either OM for one another.

The Examiner's rationale that the claimed invention is obvious in view of Kurita as modified by King appears to be as follows. First, Kurita discloses a remote control in which a first removable module (having a switch) is electrically connected to the remote control in order for the remote control to control a first device; a second removable module (having a switch) for control of a second device is stored in storage of the remote control; and the second removable module is removed from storage and electrically connected to the remote control in place of the first removable module in order for the remote control to control a second device. Second, King discloses a remote control in which two removable modules are electrically connected to the remote control for the remote control to control two devices at the same time (with each removable module being associated with a respective one of the devices). Third, King teaches that it is desirable to have two removable modules electrically connected to the remote control at the same time because the remote control can then control two devices at the same time. Fourth, because of the benefit of enabling a remote control to control two devices at the same time as taught by King, it would have been obvious to modify Kurita such

that the first and second removable modules are electrically connected at the same time to the remote control as the remote control would then be able to control two devices at the same time.

The Applicant submits that the claimed invention is not rendered obvious by Kurita in view of King because: (i) Kurita and King when considered as a whole do not suggest the desirability and thus the obviousness of modifying Kurita in the manner taught by King; and, additionally or alternatively, (ii) modifying Kurita in the manner taught by King renders Kurita unsatisfactory for its intended purpose and, consequently, there is no suggestion or motivation to make the proposed modification.

More particularly, Kurita discloses that multiple remote controls may be used to control multiple devices with each remote control being associated with a respective one of the devices. Kurita discloses that a problem with this arrangement is that multiple remote controls are required as opposed to a single remote control. Kurita discloses that a solution to this problem is a single remote control having multiple switches for control of multiple devices. The single remote control controls a first (second) device in response to a first (second) one of the switches being actuated by an operator. Kurita discloses that a problem with using a single remote control to control multiple devices is that an operator's remote control efficiency is low as a result of having to navigate the switches which are associated with the devices. That is, a single remote control for controlling two devices has more switches than a remote control for controlling one of the devices. (See col. 1, line 42 to col. 2, line 16 in the Background section of Kurita.)

In order to overcome the problem of an operator's remote control efficiency being low when operating a single remote control having switches which correspond to respective devices, Kurita discloses a single remote control for use with a first (second) removable module having a first (second) switch for a first (second) device. Only one of the

modules is electrically connected to the single remote control at a time. For example, the first module is electrically connected to the single remote control while the second module is stored in the body of the single remote control. In turn, the single remote control controls the first device in response to actuation of the first switch by an operator. After removing the first module from the single remote control by breaking the electrical connection therebetween, the operator can electrically connect the second module to the single remote control. In turn, the single remote control controls the second device in response to actuation of the second switch by the operator. (Col. 3, line 51 to col. 4, line 48; Fig. 1 of Kurita.) ("It is understood that only one such card [i.e., module] is electrically connected to the circuitry of commander main body 1, with the other cards [i.e., modules] simply being stored for future use." (col. 4, lines 12-14).)

As a result of this arrangement in which one module is electrically connected at a time to a single remote control for control of a respective device, the operator's efficiency in using the remote control is improved because the number of switches of the remote control at any one time is minimized. (Col. 2, lines 28-31 of Kurita). Of course, the tradeoff is that the single remote control can only control one of the two devices at any one time.

Accordingly, Kurita teaches that it is desirable to electrically connect only one module at a time to a single remote control for the end goal of increasing operator remote control efficiency. As such, Kurita teaches away from an arrangement in which two modules (each having a switch) are electrically connected at a time to a single remote control in order for the remote control to control two devices at a time. If it is desired for a single remote control to control two devices at the same time, then the remote control can be equipped with multiple switches as disclosed in the Background section of Kurita as discussed above. In this event, there would be no need to electrically connect two modules at the same time to a single remote control as the remote control would already be configured for control of two devices. However, as indicated above, this configuration would result in loss of remote control operator

efficiency of which Kurita is trying to solve. That is, Kurita is trying to avoid the problem of low operator remote control efficiency associated with using a single remote control to control two devices at a time. And, as such, Kurita teaches that it is desirable to have only one module electrically connected at a time to a single remote control such that the remote control can control only one device at a time, thereby increasing the operator's remote control efficiency.

Thus, modifying the single remote control of Kurita as taught by King such that at least two modules are electrically connected at a time to the remote control for controlling two devices at a time would defeat the purpose of Kurita as the number of switches of the remote control would not be minimized and loss of operator efficiency in using the remote control may accrue. Accordingly, Kurita and King when considered as a whole do not suggest the desirability of modifying Kurita as taught by King such that the single remote control of Kurita is electrically connected with two modules at a time for the remote control to control two devices at a time. The suggestion of the desirability of modifying the single remote control of Kurita in this manner is lacking because Kurita teaches that such a modification would result in a problem which Kurita is trying to solve (namely, loss of remote control operator efficiency). Further, modifying the single remote control of Kurita in this manner would render the remote control unsatisfactory for its intended purpose of maximizing remote control operator efficiency. Therefore, the motivation for modifying the single remote control of Kurita as taught by King is lacking.

Thus, the Applicant believes that independent claims 1, 6, and 11 are patentable under 35 U.S.C. § 103(a) over Kurita in view of King. Claims 2-3, 5, 7-8, and 10 depend from one of the independent claims and include the limitations of their respective independent claim. As a result, claims 1-3, 5-8, and 10-11 are believed to be patentable under 35 U.S.C. § 103(a) over Kurita in view of King.

CONCLUSION

In view of the foregoing, the Applicant respectfully requests that the Board rules that claims 1-3, 5-8, and 10-11 are patentable under 35 U.S.C. § 103(a) over Kurita in view of King.

Respectfully submitted,
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Enclosure - Appendices

VIII. CLAIMS APPENDIX

1. A keyless authorized access control system, the system comprising:

at least two transceivers, each transceiver being assigned to a respective object; and

an identification device having a base module operable to communicate commands to the transceivers assigned to the objects, the base module having at least two interfaces;

the identification device further having at least two object modules, each object module being assigned to a respective one of the objects, each object module having a memory chip containing a code attuned to the assigned object;

each object module being interchangeably connected to the base module through a respective one of the interfaces such that a first one of the object modules is interchangeably connected to the base module through a first one of the interfaces while a second one of the object modules is interchangeably connected to the base module through a second one of the interfaces;

each object module having a button operable for activating the base module to communicate to the transceiver assigned to the object that is assigned to the object module a command having the code attuned to the assigned object when the object module is connected through the respective one of the interfaces to the base module.

2. The system of claim 1 wherein:

the base module has a memory chip containing a code attuned to one of the objects, the base module is operable for communicating to the transceiver assigned to the object in which the code of the memory chip of the base module is attuned a command having the code of the memory chip of the base module.

3. The system of claim 2 wherein:

the base module has a button operable for activating the base module to communicate to the transceiver assigned to the object in which the code of the memory chip of the base module is attuned the command having the code of the memory chip of the base module.

5. The system of claim 1 wherein:

each object module has an electronic subassembly relating to the assigned object for carrying out object-specific communication with the transceiver assigned to the assigned object.

6. An identification device for a keyless authorized access control system operable for communicating with transceivers assigned to objects, the identification device comprising:

a base module operable to communicate commands to the transceivers assigned to the objects, the base module having at least two interfaces; and

at least two object modules, each object module being assigned to a respective one of the objects, each object module having a memory chip containing a code attuned to the assigned object, each object module being interchangeably connected to the base module through a respective one of the interfaces such that a first one of the object modules is interchangeably connected to the base module through a first one of the interfaces while a second one of the object modules is interchangeably connected to the base module through a second one of the interfaces;

each object module having a button operable for activating the base module to communicate to the transceiver assigned to the object that is assigned to the object module a command having the code attuned to the assigned object when the object module is connected through the respective one of the interfaces to the base module.

7. The device of claim 6 wherein:

the base module has a memory chip having a code attuned to one of the objects, the base module is operable for communicating to the transceiver assigned to the object in which the code of the memory chip of the base module is attuned a command having the code of the memory chip of the base module.

8. The device of claim 7 wherein:

the base module has a button operable for activating the base module to communicate to the transceiver assigned to the object in which the code of the memory chip of the base module is attuned the command having the code of the memory chip of the base module.

10. The device of claim 6 wherein:

each object module has an electronic subassembly relating to the assigned object for carrying out object-specific communication with the transceiver assigned to the assigned object.

11. A keyless authorized access control system, the system comprising:

at least two transceivers, each transceiver being assigned to a respective object; and

an identification device having a base module operable to communicate commands to the transceivers assigned to the objects, the base module having at least two interfaces, the identification device further having at least two object modules, each object module being assigned to a respective one of the objects, each object module having a memory chip containing a code attuned to the assigned object, the object modules being interchangeably connected to the base module through respective ones of the interfaces such that a first one of the object modules is interchangeably connected to the base module through a first one of the interfaces while a second one of the object modules is interchangeably connected to the base module through a second one of the interfaces, wherein the base module has at least two

receptacles with each receptacle receiving one of the object modules in order to interchangeably connect the object modules to the base module through the respective ones of the interfaces;

wherein each object module has a button operable for activating the base module to communicate to the transceiver assigned to the object that is assigned to the object module a command having the code attuned to the assigned object when the object module is connected through the respective interface to the base module.

IX. EVIDENCE APPENDIX

NONE.

X. RELATED PROCEEDINGS APPENDIX

NONE.